

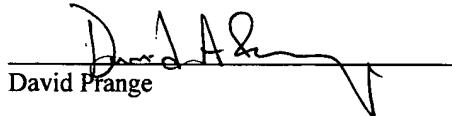
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GAU 2154  
#154  
12-8-03  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify that on November 26, 2003, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450



David Prange

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant: DAVID B QUINONES

Serial No.: 09/483,062

Filed: 01-14-2000

Title: AN APPLICATION SERVER  
PROVIDER FRAMEWORK

Atty. Docket No.: 060021-341801

Examiner: EL HADY, NABIL M

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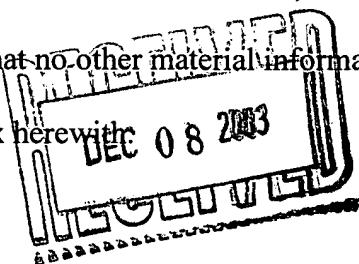
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Technology Center 2100

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists. We enclose copies of the cited documents within a box herewith.



This Information Disclosure Statement is being submitted:

- 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
  - (a) A statement that either:
    - (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).

- 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- (a) A statement that either:
  - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

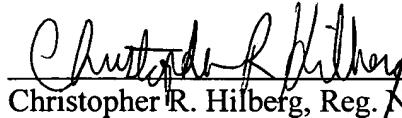
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

- (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

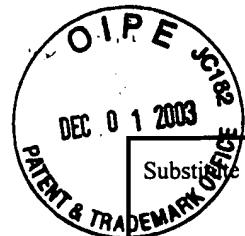
Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 060021-341801.

November 7, 2003

  
\_\_\_\_\_  
Christopher R. Hilberg, Reg. No. 48,740  
Attorney for Applicant

**OPPENHEIMER WOLFF & DONNELLY LLP**  
45 South Seventh St.  
Plaza VII, Suite 3300  
Minneapolis, MN 55402-1609  
Telephone: (612) 607-7386 • Fax: (612) 607-7100



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

*(use as many sheets as necessary)*

Sheet 1 of 1

**Complete if Known**

**Application Number** 09/483,062

**Filing Date** 01-14-2000

**First Named Inventor** DAVID B QUINONES

**Art Unit** 2154

**Examiner Name** EL HADY, NABIL M

**Attorney Docket Number** 060021-341801

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number -Kind Code <sup>2</sup> (if known)		

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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	1	<u>Dayco Statement Regarding Related Applications</u>	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.



Serial No 09/483,062

Page 1 of 2

**PATENT**

**Applicant:** DAVID B QUINONES

**Serial No.:** 09/483,062

**Filed:** 01-14-2000

**Title:** AN APPLICATION SERVER  
PROVIDER FRAMEWORK

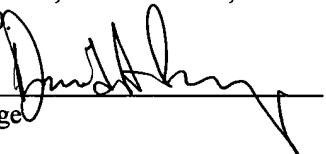
**Atty. Docket No.:** 060021-341801

**Examiner:** EL HADY, NABIL M

**Group Art Unit:** 2154

**CERTIFICATE OF MAILING**

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David Prange

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**DAYCO STATEMENT REGARDING RELATED APPLICATIONS**

Sir:

In the recent case, *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358; 66 U.S.P.Q.2d 1801 (Fed.Cir.2003), the Federal Circuit stated (1) in the context of 37 C.F.R. § 1.56, a co-pending application may be “material” in the prosecution of a patent, even if the co-pending application cannot result in a shorter patent term; and (2) in the context of 37 C.F.R. § 1.56, a contrary decision of another examiner reviewing a substantially similar claim meets the threshold level of materiality.

In light of *Dayco*, Applicant respectfully identifies the following United States patent applications, which are or were co-pending with the present application and may contain similar subject matter as the present application:

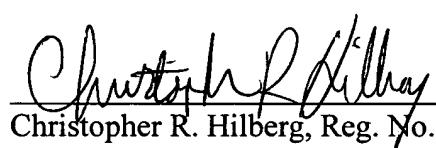
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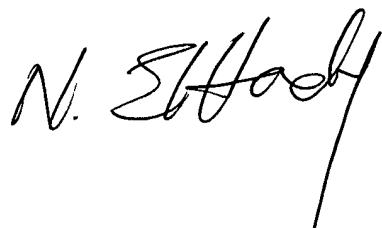
Serial No.	Patent No.	Filing Date	Atty. Docket	Title
09/483,486		01-14-2000	060021-341901	ENHANCING AN APPLICATION FRAMEWORK
09/483,593		01-14-2000	060021-342001	A KNOWLEDGE BASED SOFTWARE UPGRADE SYSTEM

Applicant brings these applications to the attention of the examiner, or other Office official involved with the examination of the present application. However, please do not construe the filing of this statement as a representation that applicant has made a search, or as an admission that the co-pending applications are, or are considered to be, material to patentability, or that no other co-pending applications exist.

November 7, 2003

  
Christopher R. Hilberg, Reg. No. 48,740  
Attorney for Applicant

OPPENHEIMER WOLFF & DONNELLY LLP  
45 South Seventh St.  
Plaza VII, Suite 3300  
Minneapolis, MN 55402-1609  
Telephone: (612) 607-7386 • Fax: (612) 607-7100



1/12/04